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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/817,139	04/02/2004	Lawrence M. Sherman	07473-038	1499

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EXAMINER

OYEBISI, OJO O

ART UNIT

PAPER NUMBER

3695

MAIL DATE

DELIVERY MODE

08/19/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/817,139

Applicant(s)

SHERMAN, LAWRENCE M.

Examiner

OJO O. OYEBISI

Art Unit

3695

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 February 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 117-127, 129 and 130 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 117-127 and 129-130 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB06)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

The application was prematurely abandoned on 01/28/10, and the applicant filed a petition to have the application revived on 02/05/10. The applicant's petition was granted by the office on 06/07/10 and the examiner has hereby reopen prosecution. In response to the restriction requirement mailed on 09/01/09, the applicant has elected the invention of Group 1 (claims 117-127 and 129-130) and has withdrawn claim 128 from prosecution. Applicant election of Group 1 (claims 117-127 and 129-130) is hereby acknowledged. Claims 117-127 and 129-130 are currently pending.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims **117-127 and 129-130** are rejected under 35 U.S.C. 103(a) as being unpatentable over Moore et al (Moore hereinafter, PUB NO.: 2004/0088261) in view of Lancaster et al (Lancaster hereinafter, PUB NO.: 2002/0194094).

Re claims **117, 118-127 and 129-130**. Moore discloses a method of targeting savings dollars in conjunction with paying at least one financial obligation, the method being performed by execution of a computer readable program code by at least a first computing device, the method comprising: connecting the first computing device with a second computing device to establish a communications link through a network (see fig.1), the first computing device operated by a financial institution and the second computing device operated by at least one of an existing customer and a prospective customer of the financial institution (see fig.1 and fig.2); receiving with the first computing device information related to targeting savings dollars, wherein the information includes data related to at least one of: (i) at least one total dollar amount the customer would like to save, (ii) at least one total dollar amount the customer is in the process of saving (see paras 0045, paras 0047, and 0054), and (iii) at least one target date by which the at least one total dollar amount is to be saved (see paras 0058-0059); computing with the first computing device at least one customized targeted savings plan based on the data by calculating at least one dollar amount of each of a plurality of periodic payments to a targeted savings plan to be paid over at least one period of time expiring on the at least one target date, wherein computing the at least one dollar amount of each periodic payment includes: computing a number of payments

over the at least one period of time based on the at least one total dollar amount the customer would like to save or the at least one total dollar amount the customer is in the process of saving (see paras 0058-0059). Moore does not explicitly disclose and receiving at the first computing device instructions from the second computing device for making at least one payment on behalf of the customer, wherein the at least one payment includes at least one periodic payment to the at least one targeted savings plan and at least one payment toward the at least one customer financial obligation and computing a rate of return that the financial institution pays based on a duration between a periodic payment to the targeted savings plan and the at least one target date (see fig.2). However, Lancaster discloses receiving at the first computing device instructions from the second computing device for making at least one payment on behalf of the customer, wherein the at least one payment includes at least one periodic payment to the at least one targeted savings plan and at least one payment toward the at least one customer financial obligation (i.e., payment cycle definition, see paras 0078) and a rate of return on a balance of periodic targeted savings deposits paid (see fig.6a). Thus it would have been obvious to one of ordinary skill in the art to combine the teachings of Moore and Lancaster to provide maximum utility and benefit to the customers, while also providing a rate of return and benefit to the financial institution.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to OJO O. OYEBISI whose telephone number is (571)272-8298. The examiner can normally be reached on 8:30A.M-5:30P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Kyle can be reached on (571)272-8594. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/OJO O OYEBISI/
Primary Examiner, Art Unit 3695